Previous references.

File No.
142 of 1903-04

1904

(III - Police.)

Later references.

Police File No. 13 of 1904-05.
B- Oct 1904.
File No. 142, Sl: no 5+6, File No: 04.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

PART B FOR October 1904.

SUBJECT.

Failure of the Police in detecting a case of theft that occurred in the house of one Nanjundayya of Nagamangala Nelamangala

FILE No. 142 of ~~1904-05~~. 1903-1904.

Failure of the Police in detecting a case of theft that occurred in the house of one Nanjundaiya of ~~Nagamangala~~ Nelamangala.

From the Private Secretary to His Highness the Maharaja of Mysore, No. 1728, date the 23rd March 1904.

Forwards for disposal a petition addressed to His Highness the Maharaja by on Nanjundaiya, praying for a strict enquiry in the case of a certain theft in hi house at Nagamangala, which theft the Police failed to detect. [With a enclosure, one petition.]

To the Inspector General of Police in Mysore, No. J. 1672, dated the 21st April 1904.

Forwards the enclosure (petition) received with Serial No. 1 above, for a ful report of the facts of the case and on the points urged in the petition.

From the Inspector General of Police in Mysore, No. 726-69, dated the 8th Augus 1904.

Submits a report on the investigation by Mr. Haudin, Superintendent of Police of the case of the theft complained of in Serial No. 1, condemns the action o the Superintendent in giving a copy of his diary to a private person, and observes that the explanation of the Superintendent is most unsatisfactory.

File No. 142 of 1903

FFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject. Theft of property—

Sl No 1.

1. Petition No 2401 dated 7th March 1903. from Ranjundiah Son of Basappa Kenkata Basappa of Nelamangala Complaining that theft of property worth 10 or 15 000 Rs was committed in his house & that the Police have not detected the case.

Note.

2. The Petitioner complains that his house was broken into by a gang of thieves while he was in a helpless condition and property worth about ~~10 000~~ ten or fifteen thousand Rs, & that some of the stolen property was traced to one Chikkamma of Basavapatna, Ranja of Begur tq, that as these persons were let on bail they were given opportunities to Concoct false evidence and so spoil the case. He prays that a strict enquiry maybe held and the stolen property detected & restored returned.

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* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

† 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

3 The Petition may perhaps be forwarded to the ~~Inspector~~ Inspector General of Police ~~Negapatam~~ for report with records.

Submitted for orders
2A
8/4/03

4. Submitted

A report from the Inspector General of Police in Mysore may be called for

5 Yrs. 8/4/03

10.4.03

18/4/03

Drafts submitted
20/4/03

6. Issued.

No. 1672/9 dated the 21st April 1903.

To the Inspector General of Police, Calling for a report

G.R.S. 12]

General and Revenue Secretariat.

File No. 142 of 1903-04

Paper number one proceedings 1.

Serial No. 3.

Letter No. 726/69 dated the 8th August 1904 from the Inspector General of Police in Mysore, reporting on the petition of Ranginadayya.

The Inspector General of Police does not give his opinion as regards the truth or otherwise of the Complaint made by the petitioner, who is reported to have died, but comments on the irregular procedure followed by Mr. C. Handin in giving an extract of his weekly diaries in the case to one Mr. Nagappa, Advocate employed by the accused persons in the case. In his explanation, Mr. Handin states that he granted the copies as Mr. Nagappa's purpose was the same as his, viz, the exposure of the falsity of the Complaint made by the petitioner. The Deputy Commissioner (Mr. Sparkes) endorsed the opinion of Mr. Handin & stated there was nothing wrong in granting copies & that if Mr. Handin had asked his permission, he would have given his Consent. The Inspector General observes that the view taken by the Dy Comr is incorrect in

MGCPB 10,000 19.5.04

General and Revenue Secretariat.

File No. 142 of 1903-04

Serial No.

Flag V.

Not available in the Records. Must have been retained from elsewhere - the file came rather incomplete

R. 3.IX.04

(Vide File No. 13 of 1904-05) File kept below. Put up for reference

inasmuch as the weekly diaries of the Deputy & Asstt Superintendents of Police should be treated as confidential as per Govt Circular order No. 1768-337 dated the 30th November 1874 and as their production in Courts or the granting of Copies thereof is distinctly forbidden by the Hon'ble Chief Court in their Pro: No. 2961/1658 dated the 3rd September 1901. Submitted for orders. The Inspector General's previous report bringing to notice certain irregularities of Mr. Hamlin in the investigation of a case, was submitted to the 2nd Councillor on the 20th July 1904.

SM 16/8/04 NM 16-8-04

8. Record with the remark that the Insp. General is himself competent as head thereof to draw the Superintendent's attention to the irregularity of which he has been guilty in furnishing a copy of a confidential police report to a friend, & to warn him against a recurrence. The result of the case need not be reported.

MGCPB—10,000—19-5-04

General and Revenue Secretariat.

File No. 162 of 1903-04

Serial No.

Submitted with a draft order as above.

SN 18/8/04. RR 18.8.04

19-8-04

To Dewan thro' DC.

35 19-8-04.

9 Under Sanction and
Medals Diaries of Inspectors
or Asstt Inspectors of Salt
Revenue Department as
Confidential documents
and their production
in Courts, and the grant
of Copies thereof to private
parties Revenue Revenue
Districts Specified
Herein thereto the enjoy of
such a document was
granted to Mr Nagaraja
Barrister-at-Law, who
defended the accused
in a case of Revenue

MGCPB—10,000—19-5-04

General and Revenue Secretariat.

File No. 142 of 1903-04

Serial No.

breaking and theft in which a Bhat was robbed & the Police & Magte: Inaction & the postponement of the complt; since deceased the case was taken on the file and the enquiry was proceeded with. Instead of allowing the law to take its own course it seems strange that the Bhandari should have taken a personal action interposing to prevent the case to be taken in accordance with the opinion arrived at & then at the end, the petition presented & [illegible]

General and Revenue Secretariat.

File No. 142 of 1903-04

Serial No.

allegations which, complete with the final statement, by enumeration of the standing orders, allowed expiry of dismiss (confirm the taken & prisoner, annual absence Mr Hamlin from ministerial matters. His enfranchisement is certainly matter for

[illegible]
20/6/1904

10. Please see also my note on file Patna no 13 of 1904-1905.

29.8.04

29.8.1904 11 Refer the matter to the Govt. Where matter connected with Govt. There is a recommendation that Mr Hamlin as he will be passing fifty five years very soon - Please

(x in No 13 of 1904.5 & No 159-113 of 7.04)

1240 31.8.04

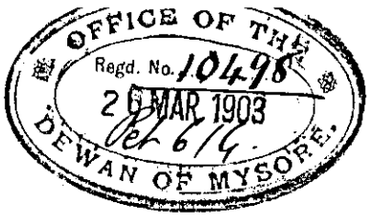
left below - (Clothes)

G.R.S. 12]

General and Revenue Secretariat. | File No. 142 of 1903-04.

Serial No.	
	circulate in Council. 3.IX.04
	(Please see also the Dewan's note in para 4 of this note)
	Registrar Please circulate 5/9/1904
	59.04
4.	Serial No. 2 of File (Police) No. 13 of 1904-05. Govt. Proceedings No. 0, Camp Mysore, dated 26th October 1904, retiring Mr. Handin from service.

Separate enquiry Ver. 1 note to



File No 1429 03-04
Sl. no 1.

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE.

Mysore, 23rd March 1903

Three Petition s as shown below, to His Highness the Maharaja, are transferred to the Secretary to the Government of Mysore. General and Revenue department for disposal.

Petn.
~~No. 1033 & 21. 3. 03~~
~~1039 & 21. 3. 03~~
1044 & 18. 3. 03

By Order,

I. C. S.
Private Secretary
to H. H. The Maharaja of Mysore.

26.3.03

OFFICE OF THE CHIEF SECRETARY
1044
TO GOVT.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
DATE 26-8-03

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition No. 2401 dated 9th March 90 received at the Dewan's Office from Hanu-iya, son of Vaisyara-das appa, of Nelama. complaining that the of property worth 10 thousand Rs was Commit in his house and the the Police authorities failed to detect the culprits &c —

is forwarded, ~~together with its enclosures,~~ to the ~~Deputy Commissioner~~ Inspector of Police in ~~District~~

for ~~submission of the entire proceedings connected with the case, together with~~ a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

From

The Inspector Genera
of Police in Mysore

To The Secretary to the
Government in the
Genl & Rev. Departt.

Dated 8th
Despd. August 1901

No. 726/69 Ex. 7.

Submitting a report
on the petition from
Nanjundiah of the Begi
village in the Nelavanja
Taluk

6 Sl. No 3 Office of the Inspector General
No. 726/69 J 349 of Police in Mysore
Dated Bangalore, 8th August 190.

From.

F. E. C. Carr, Esquire,
Inspector General of Police
in Mysore.

B. K. Venkatavarada Iyengar,
Esquire;
Secretary to the Government of
His Highness the Maharaja of
Mysore in the General and
Revenue Departments.

Sir,

Reference:- Your official memorandum No. J. 1672 of the 21st April 1903, forwarding for full report, a petition + & from Nanjundiah of Nelavangala;

I have the honor to state that petitioner Nanjundiah is a well-to-do

Ronati

Komati merchant of Begur village in the Nelavangala Taluk. On the 17th of January 1903, he complained to the Begur Police Station that one of his houses, which he had vacated owing to the prevalence of plague, had been broken into and property, consisting of gold and silver jewels valued at about Rs. 1000/-, stolen and that he noticed this on the 15th January 1903, but owing to his son's death from plague that day, he was unable to lodge his complaint immediately.

2. The Amildar, Mr. M. S. Puttanna, entered upon the investigation of the complaint at once, visited the scene of the crime and made necessary arrangements for watching the movements of the persons suspected by the complainant.

3. On receipt of this information, the

the Superintendent of Police, Mr. Standin, proceeded to the spot and on enquiry concluded that the complaint was false and ordered, on the following grounds, the submission of a "B" report and the prosecution of the complainant for preferring a false complaint:—

(1) On a previous occasion, in the year 1899, when the village had been evacuated owing to the outbreak of plague, the petitioner applied for a loan of two Police constables for watching his house. As the request was not complied with, he complained of a serious theft of property valued at Rs 6000/- which, on enquiry by the then Assistant Superintendent, Mr. Nadig Subba Rao, was found to have no foundation in fact and to have been evidently made with a view to put pressure on the authorities to accede to his application for the

services

services of extra Police. He withdrew the complaint when his request was complied with and a "B" report was then submitted in the case.

(2) In the present instance also, the petitioner applied on three occasions for the services of Policeme to guard his house, and he received a reply in the negative about 5 days before the report of the alleged theft in his house.

4. Again, on the 29th January 190: Ranjindiah preferred another complaint alleging that while he was living in the sheds, his dwelling house in the village was broken int and property valued at Rs 185/- (after wards enhanced to Rs 253/-) stolen This complaint was investigated by Jamedar Ramaseshayya with the result that four persons were arreste

and

and property valued at Rs 175/- which was identified by the complainant, recovered from two of the accused. A charge-sheet was submitted to the Taluk magistrate of Kelavangala in the case against all the accused persons. At the instance of the Superintendent of Police, Mr. Standin, the case was transferred to the Court of the Bangalore Taluk magistrate where it ended in the acquittal of the accused.

5. Although Mr. Standin did not go to the spot to check the work of the Jamedar, he was strongly of the opinion that the complainant had preferred the complaint with a view to show that his first complaint was a true one and thus escape the prosecution ordered against him. The Superintendent further suspected that the jewels said to have been secured

and

and identified by Nanjundiah as h
were the property of a Brahmin wido
named Nanjamma, who died of plag
and that the Jamedar took more than
ordinary interest in the case, inasmu
-as he had sent Constable Madap
with Rs 200/-, obtained from Complai
-ant Nanjundiah, to engage the
services of an Advocate at Bangalor
for the prosecution; one Mr. Nagappa
Barrister-at-law, having been engage
for the defence.

6. On the 9th April 1903, Mr. Madia
secured from Mr. Nagappa, Advoca
for the defence, a letter dated 23rd Feb
-ruary 1903, in the handwriting of
Lakshmanachar, Mr. Haudin's clerk,
together with an extract from Mr.
Haudin's Weekly Diary, containing
full account of the first Complaint
of

of Tanjundiah. (enclosed herewith in original for information).

7. Thereupon Mr. Madiah wrote to the Deputy Commissioner, Mr. Sparkes, in his letter No. C. 24. of the 14th April 1903 calling attention to the impropriety of the procedure adopted by Mr. Saudin, which was contrary to Departmental rules.

8. In reply to this, the Deputy Commissioner in his docket No. "nil", dated 16th April 1903, forwarded Mr. Saudin's explanation and stated that there was nothing wrong in the Superintendent's procedure; and that, if the Superintendent had asked his permission, he would certainly have given his consent under the circumstances. The docket with its enclosure in original is enclosed for information.

9. In his explanation Mr. Saudin

States.

"From private information receive
I strongly suspected the Jamedar had
not been acting straight in the case
and as I could not go down to Kela-
-vangala to watch the case, I spoke
to the District Magistrate and
moved for a transfer of the case
to some other competent Magistrate,
at District Head-Quarters. As I was
desirous of seeing Mr. Nagappa (who
had I learnt, returned from Kela-
-vangala) in connection with this
matter, in order to ascertain if he
had any objection to the transfer of
the case to Bangalore, I asked my
clerk Lakshmanachari to see him
and request him to call at my office.
Mr. Nagappa came as desired and on
my questioning him, he informed
me that he had no objection to

the

the transfer and that he was going to put in an application for it himself, and did so on the same day. In the course of conversation that followed, Mr. Nagaffa confirmed the information that I had received regarding the case. I then told him of the complaint preferred by Nanjunda Shetty in the first instance, and that I on investigation found to be false; that I was going to prosecute him for preferring a false complaint, and that in order to get out of this, the present complaint had been preferred. On his informing me that he was not aware of the matter, I read to him that portion of my diary for the week ending 24th January 1903, bearing on the case. He asked if he might have the diary to enable him to take an extract from it of the case. I told him I could not

let

let him have it, but that I would give him an extract from it. I then sent for Lakshmanachari to my room and in the presence of Mr. Nagappa told him to copy out from my diary that portion required, which I pointed out and hand the same to Mr. Nagappa. This is what occurred. An extract of my diary was given to Mr. Nagappa because he was doing what I had already ordered to be done. viz:, the exposure of the falsity of the complaint of Nanjundia."

10. I regret to have to observe that the explanation of the Superintendent is most unsatisfactory and the view of the Deputy Commissioner incorrect. The Weekly Reports of Superintendents and Assistant Superintendents of Police are

are strictly confidential records as
her judicial Commissioner's order
No. 1760-337 dated 30th November 1874 and
her production in Courts or the granting
of Copies thereof to private parties
is most distinctly forbidden by the
Chief Court, in their Proceedings No.
2761/1658 dated 3rd September 1901.

11. Under these circumstances,
I must condemn the action of the
Superintendent in having given to
Mr. Nagappa a copy of his Diary, and
having distinctly committed
breach of departmental orders.
If, as is alleged, he suspected that the
Jamedar was not working honestly
in the case, he should have at once
taken the case out of the Jamedar's hands.

12. The conduct of the Superintendent

Calls for severe notice.

13. There has been an avoidable delay in submitting this report. I wanted to ascertain the final orders of the Court on the "B" report submitted by the Police on the first complaint of the petitioner, but owing to some cause or other, it is reported to be still pending with the Magistrate. The petitioner (complainant) being dead, it is reported that the Court has issued a notice to his son. The result of the case will be reported in due Course.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police

ek.

GCWA

"Copy" of SL 206 / Court T 13/8/04 [illegible]

Proceedings of the Government of His Highness the

Maharaja of Mysore.

ead:-

Letter No.159/11, dated the 9th July 1904, from the Inspector General of Police in Mysore, forwarding for the ord rs of Gcvernment a copy of the judgment in crimianl - appeals Nos.90 and 95 of 1903-04 on the file of the Chief Court of Myscre together with the reccrds and the explanation of Mr.Haudin Superintendent of Police.

2. Letter No.726/69 dated the 8th August 1904, from the same officer, submitting a report on the petition of Manjundayya of the Begur village in the Nelamangala Taluk, complaining against the incapacity of the Police in the detection of a case of theft that occurred in his house.

-----oOo-----

Order thereon No. 0. Camp Mysore

Dated Bangalore, 23rd Aug 04

The reccrds submitted by the Inspector General with the letters read above disclose grave irregularities in two ir tant cases on the part of Mr.Haudin, Superintendent of Pol while he was in charge of the Bangalore District.

2. One of the cases has formed the subject of adverse ment in Criminals appeals Nos.90 and 95 of 1903-04 on the of the Chief Court. A goldsmith named Venkatesiah died o

plague in January 1903 at Kengeri. in the Bangalore Taluk, leaving two elderly female relatives, two minor children and some valuable property. The female relatives having also subsequently died, the property was left without any responsible person to look after it; and under the orders of the Amildar it was taken charge of by the Police on the 12th idem. Mr. Haudin received private information that a portion of the property had been misappropriated by the Police Duffedar, the Patel and the Shekdar of that place. The Police Duffedar having left for Doddaballapur on the 16th January 1903 without permission on the ground of his wife's illness, Mr.Haudin, who went to that place on some other duty on the 26th idem, sent for the Duffedar in question and examined him, when he not only confessed having misappropriated some of the property but even produced the same before the Superintendent.

3. Under these circumstances, the only legal course left to Mr.Haudin was to have to had the confession judicially recorded by the nearest Magistrate and proceeded with the investigation of the case in due course. Mr. Haudin, however, treated the confession purely as a departmental matter and made no report to the Magistrate of what had transpired, but went leisurely about a fortnight later, to Kumbalgode, a village near Kengeri held further enquiry and recovered some more property. After a long interval (in the middle of March) he sent up a report of

of the case to the Deputy Commissioner, Mr.Sparkes, who, on the 7th April 1903, directed the prosecution of the parties concerned. But that direction was not acted up to for two months.

4. This illegality and long delay resulted and the discharge of the principal offenders by the Chief Court, though they were convicted by the Assistant Commissioner Magistrate in the first instance; and the judgment of the Chief Court discusses at length the various irregularities and the high handed procedure adopted by the Police in this case.

5. Mr.Haudin in his explanation states that he believed the offence to be one of criminal misappropriation not cognizable by the Police, that he therefore did not adopt the course prescribed for cognizable cases, that his was only a departmental enquiry, that he had erred, he might have been corrected by the higher authorities, that he took up the whole case personally as it was an important one concerning Government Officials, that there was no irregularity in the procedure, and that the delay was due to another important case to his subsequent illness..

6. Government agree with Inspector General of Police in considering this explanation to be very inadequate. Mr.Haudin is an officer with about 30 years experience in the Police Department, and it is a matter for regret that he should have con-

conducted the case in so objectionable a manner. It is also strange that instead of admitting the irregularities, he should shelter under his official superior (Mr.Sparkes) by stating that he did everything with the latter's knowledge, if not altogether under his directions.

7. In the other case of alleged theft of property at Begur in the Nelamangala Taluk, Mr.Haudin went so far as to furnish on his own responsibility, a copy of his weekly diary in the case to Mr.B.Nagappa, Bar-at-Law, engaged for the defence. His explanation is that he did so, as Mr.Nagappa's purpose was the same as his own, viz., the exposure of the false nature of the complaint preferred by Nanjundayya, the complainant Mr.Sparkes, the then Deputy Commissioner, has also endorsed this opinion and thinks there was nothing wrong in the procedure adopted; but he has evidently overlooked the fact that under the standing orders, these diaries are strictly confidential documents and that even their production in Courts or the granting of copies to parties is distinctly forbidden. The action of Mr.Haudin in this respect must be condemned.

8. Such reprehensible conduct on the part of Government officers as that brought to notice in the two cases, and the glaring disregard of the standing orders require severe notice. Government therefore, direct that Mr.Haudin, who has completed 55 years, and put in a service of more than 29 years, be not

not given an extension of service, but be retired on such pension as he has become entitled to. He may however be given the whole ~~however~~ of the privilege leave that may be at his credit preparatory to retirement.

9. It is further observed that though Mr.K.G.Shamanna, who was then the Amildar of the Bangalore Taluk had become cognizant of the Kengeri case referred to above, in its early stages, yet, he, as the responsible head of the Taluk, took no action in the matter. As he has already been punished in another case, it is sufficient that this irregularity be pointed out to him and a warning administered.

Sd/-B.K.Venkata Varada Iyengar
Secretary.

To,
The Inspector General of Police in Mysore.
,,Comptroller to the Govt of H.H.the Maharaja of Mysore.
,, Survey and Settlement Commissioner, in Mysore.
,, Revenue Commissioner in Mysore.
,, Registrar Chief Court in Mysore.
,, Deputy Commissioner of Tumkur.